



Reprinted
January 29, 2008

SENATE BILL No. 235

DIGEST OF SB 235 (Updated January 28, 2008 6:07 pm - DI 102)

Citations Affected: IC 3-5; IC 3-11; noncode.

Synopsis: Vote centers; alternate polling places. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to approve an order designating the county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Requires the board to establish at least one alternate polling place at a central location in the jurisdiction in which an election will be held for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one hour after the time required. Requires that at least one alternate polling place be established in each township included in the jurisdiction in which the election will be held, if the jurisdiction has at least 25,000 active voters. Requires that: (1) an alternate polling place be operated under the requirements for precincts and polls; and (2) votes cast at an alternate polling place be counted and reported in the same manner as if the votes had been cast at the polls that did not open. Redesignates automatically as a vote center county a county designated before July 1, 2008, as a vote center pilot county. Allows the secretary of state (secretary) to designate not later than March 15, 2008, one additional county as a vote center pilot county. Repeals the expiration date of the vote center program and provisions that: (1) require the secretary's approval of the vote center designation; and (2) allow the secretary to revoke the vote center designation.

Effective: January 1, 2008 (retroactive); July 1, 2008.

Landske, Charbonneau, Lawson C

January 8, 2008, read first time and referred to Committee on Local Government and Elections.

January 17, 2008, reported favorably — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

SB 235—LS 6768/DI 102+



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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 235

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place
4 where a voter who resides in the county in which the vote center is
5 located may vote without regard to the precinct in which the voter
6 resides.

7 ~~(b) This section expires December 31, 2009.~~

8 SECTION 2. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at the polls for
10 the precinct where the voter resides except when authorized to vote:

11 (1) in another precinct under IC 3-10-10, IC 3-10-11, **or**
12 IC 3-10-12; ~~or~~

13 (2) at a special voting poll under section 6.5 of this chapter; **or**

14 (3) **at an alternate polling place under section 3.3 of this**
15 **chapter.**

16 SECTION 3. IC 3-11-8-3.2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county

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executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

(1) For each precinct, whether the polls are located in an accessible facility.

(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c) **or section 3.3 of this chapter**, a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 4. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) Before each election that is held after June 30, 2008, each:**

(1) county election board; and

(2) county board of elections and registration;

shall designate at a central location in the jurisdiction in which the election will be held at least one (1) alternate polling place for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one (1) hour after the time that the polls are required to open under section 8 of this chapter.

(b) If the polls in any precinct do not open within one (1) hour after the polls are required to open under section 8 of this chapter, the county election board or county board of elections and registration shall order the relocation of the polling place to the alternate polling place designated under subsection (a).

(c) The county election board shall give the best possible notice of the relocation of the polling place to the news media and the voters of the precinct.

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(d) If the jurisdiction in which the election will be held has at least twenty-five thousand (25,000) active voters, the county election board or county board of elections and registration shall designate at least one (1) alternate polling place at a central location in each township included in the jurisdiction in which the election will be held.

(e) An alternate polling place designated under this section must:

- (1) be located in an accessible facility; and
- (2) operate under all other requirements for precincts and polls under this title.

(f) Votes cast at an alternate polling place shall be counted and reported in the same manner as if the votes had been cast at the polls that did not open within the period required under subsection (a).

SECTION 5. IC 3-11-18-1, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to a county designated as a vote center ~~pilot~~ county under this chapter.

SECTION 6. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For a county to be designated a vote center ~~pilot~~ county:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve ~~the filing of an application to be designated an order designating the county~~ a vote center ~~pilot~~ county;
- (2) all members of the board must sign the ~~application; order;~~ and
- (3) the ~~application order~~ must be filed with the ~~secretary of state; election division.~~

(b) The ~~application order~~ filed with the election division must include a copy of:

- (1) a resolution adopted by the county executive; and
- (2) a resolution adopted by the county fiscal body;

approving the ~~submission designation~~ of the ~~application; county as a vote center county.~~

SECTION 7. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The ~~application order~~ adopted by the county election board must include a plan for the

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administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located.~~
- ~~(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.~~
- (3) The effective date of the order.**
- (4) The total number of voters ~~within each municipality, in the county,~~ as of the date of the ~~application;~~ **order,** and the number of those voters ~~within each municipality~~ designated as "active" and "inactive" according to the ~~county voter registration office;~~ **computerized list (as defined in IC 3-7-26.3-2).**
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and
 - (B) whether these ballots will be:
 - (i) delivered to the vote center before the opening of the polls; or
 - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
 - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
 - (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote

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center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

SECTION 8. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing in each municipality within the county ~~conducting for use in a primary election, general election, special election, a municipal primary, or a municipal election conducted on or after the effective date of the county election board's order.~~

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 9. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan;~~ the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

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(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 10. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. Before approving ~~an application~~ **to designate an order designating** a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election board** must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

SECTION 11. IC 3-11-18-8, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The designation of a county as a vote center ~~pilot~~ county takes effect immediately **upon the filing of the order with the election division**, unless otherwise specified by the ~~secretary of state~~ **county election board**.

(b) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

(1) rescinds the order designating the county as a vote center county; and

(2) files a copy of the document rescinding the order with the election division.

SECTION 12. IC 3-11-18-11, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**

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1 under section 4 of this chapter.

2 SECTION 13. IC 3-11-18-15, AS ADDED BY P.L.164-2006,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) In addition to the precinct
5 election officers appointed under IC 3-6-6, a county election board by
6 the unanimous vote of the entire membership may appoint one (1) or
7 more greeters to:

- 8 (1) direct voters entering the vote center to the appropriate
9 location for the voters to sign the electronic poll list; and
10 (2) provide other instructions to facilitate the efficient movement
11 of individuals within the vote center.

12 (b) An individual appointed as a greeter under this section must bear
13 credentials issued by the county election board stating the name of the
14 individual and the individual's status as a greeter.

15 **(c) The plan adopted with a county election board's order under**
16 **section 4 of this chapter may authorize precinct election officials to**
17 **perform duties specified under this title using alternative**
18 **procedures described in the plan in order to efficiently administer**
19 **the county's vote centers.**

20 SECTION 14. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
21 SECTION 119, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) ~~The secretary of state may~~
23 ~~permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a**
24 **county election board's order** under section 4 of this chapter.

25 (b) For a county to amend its plan:

- 26 (1) the county election board (or board of elections and
27 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
28 unanimous vote of the entire membership of the board, must
29 approve the ~~filing of a request to amend the plan~~ **amendment**;
30 (2) all members of the board must sign the ~~request~~ **amendment**;
31 and
32 (3) the ~~request~~ **amendment** must be filed with the ~~secretary of~~
33 ~~state~~ **election division**.

34 ~~(c) The request for amendment must set forth the specific~~
35 ~~amendments proposed to be made to the plan.~~

36 **(c) A plan amendment takes effect immediately upon filing with**
37 **the election division, unless otherwise specified by the county**
38 **election board.**

39 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE
40 JULY 1, 2008]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19;
41 IC 3-11-18-20.

42 SECTION 16. [EFFECTIVE JULY 1, 2008] **A county designated**

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as a vote center pilot county under:

(1) P.L.164-2006, SECTION 148 (before its expiration); or

(2) SECTION 14 of this act;

is automatically redesignated as a vote center county under IC 3-11-18, as amended by this act, on July 1, 2008.

SECTION 17. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) The secretary of state may designate one (1) county as a vote center pilot county under IC 3-11-18.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18 not later than March 1, 2008.

(d) The secretary of state shall act in accordance with IC 3-11-18 and this SECTION to designate a county as a vote center pilot county not later than March 15, 2008.

(e) The designation of a county as a vote center pilot county under this SECTION is effective June 1, 2008.

(f) This SECTION expires July 1, 2008.

SECTION 18. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 235 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 3.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Lawson C be added as coauthor of Engrossed Senate Bill 235.

LANDSKE

SENATE MOTION

Madam President: I move that Senate Bill 235 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote:

- (1) in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12; or
- (2) at a special voting poll under section 6.5 of this chapter; or
- (3) at an alternate polling place under section 3.3 of this chapter.

SECTION 3. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

- (1) For each precinct, whether the polls are located in an accessible facility.

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(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c) **or section 3.3 of this chapter**, a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 4. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) Before each election that is held after June 30, 2008, each:**

(1) county election board; and

(2) county board of elections and registration;

shall designate at a central location in the jurisdiction in which the election will be held at least one (1) alternate polling place for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one (1) hour after the time that the polls are required to open under section 8 of this chapter.

(b) If the polls in any precinct do not open within one (1) hour after the polls are required to open under section 8 of this chapter, the county election board or county board of elections and registration shall order the relocation of the polling place to the alternate polling place designated under subsection (a).

(c) The county election board shall give the best possible notice of the relocation of the polling place to the news media and the voters of the precinct.

(d) If the jurisdiction in which the election will be held has at least twenty-five thousand (25,000) active voters, the county election board or county board of elections and registration shall designate at least one (1) alternate polling place at a central location in each township included in the jurisdiction in which the

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election will be held.

(e) An alternate polling place designated under this section must:

- (1) be located in an accessible facility; and
- (2) operate under all other requirements for precincts and polls under this title.

(f) Votes cast at an alternate polling place shall be counted and reported in the same manner as if the votes had been cast at the polls that did not open within the period required under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to SB 235 as printed January 18, 2008.)

MILLER

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